

20th October, 1986

198x

THE LAW SOCIETY OF SCOTLAND

LEGAL AID MEMORANDUM

DT

From [REDACTED]

Head of Criminal Accounts

To [REDACTED]

Deputy Secretary

LEGAL AID IN CRIMINAL CAUSES

H.M.A. v [REDACTED]

I refer to the above case which was taxed in Dunfermline before the Sheriff Clerk Mr. [REDACTED] on Friday the 17th October.

The Auditor has now issued a report a copy of which is attached for your information.

Mr. Nisbet's claim in the above case was for the sum of £2,490.00, and this has been restricted to £1,776.00 which makes a total abatement of £714.00. The offer which I made to Mr. Nisbet was for the sum of £1,250.00. The main restriction to Mr. Nisbet's claim is in respect of his attendance at each of the two days Trial in Dunfermline for which he claims £750.00 per day to include preparation. Mr. Nisbet explained at the taxation that the case was originally set down for four weeks and involved an enormous amount of preparation including perusal of accounts, thousands of documents etc. and at least six days were spent in perusing and analysing the various documents. Mr. Nisbet also explained that he had a number of additional consultations with the accused who was a qualified Accountant and he required to explain many of the documents. I think in view of what said at the taxation I think the fee fixed by the Auditor is a fair and reasonable fee in the particular circumstances of this case.

[REDACTED]

DUNFERMLINE 17 October 1986. The Auditor of Court, having considered the fee note submitted by Mr L Nisbet in the case of HMA v [REDACTED] Taxes same at the sum of One Thousand Seven Hundred and Seventy Six Pounds (£1776.00) exclusive of value added tax.

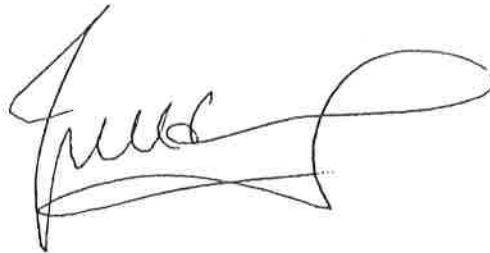
A handwritten signature in cursive script, appearing to read 'F. J. [unclear]', written in black ink.

Note

At the taxation Mr Nisbet presented his own case and Mr O'Connor appeared for the Legal Aid Committee. [REDACTED] advised me that an offer had been made but rejected. Mr Nisbet maintained that the daily rate offered was not enough to meet the special and lengthy preparation necessary in this case and that a special preparation fee should be allowed. While I have some sympathy with that view, the regulations do not permit such a fee.

However, I am prepared to allow four consultations in the case, three in Edinburgh and one in Dunfermline.

For the two days hearings in the Appeal Court, I will allow £175 per day, for the trial two days at £250 per day and for the two Notes £40 per note. In addition, I will allow eleven hours consultation in Edinburgh at £52.50 per hour and three hours consultation in Dunfermline at £89.50 per hour. Accordingly, the account is taxed at One Thousand Seven Hundred and Seventy Six Pounds (£1776.00).

A handwritten signature in cursive script, appearing to read 'F. J. [unclear]', written in black ink.

FACTORY SERVICES LIMITED

PARLIAMENT HOUSE
EDINBURGH
EH1 1RF

AW SOCIETY - CRIMINAL LEGAL AID

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F.S. REF. K200/TH863835/01

ETCHEN & STEVENS, W.S.,

DATE OF ISSUE 5-FEB-86

5/57 QUEEN STREET,

SOLICITORS REF. MRM

EDINBURGH.

EH2 3PA

SOL. LEGAL AID CODE

Please quote Faculty Services Ref. on all correspondence

IN RE H.M.A. V [REDACTED] (FRAUD)

CRIMINAL LEGAL AID CERTIFICATE

AGENT [REDACTED]

L.A. CERT No. 19/501440/85

ADVOCATE L. NISBET, ESQ.,

NO2

VAT REG.No. 270 4824 5

Item Date	Details	Item Amount
12-JAN-86	NOTE ON APPEAL TO HIGH COURT RE RELEVANCY	75.00
22-JAN-86	CONSULTATION WITH ACCUSED (SUBSTANTIAL PREPARATION)	125.00
23-JAN-86	APPEAL BEFORE HIGH COURT (INDICTMENT AMENDED BY CROWN)	175.00
24-JAN-86	CONSULTATION AT DUNFERMLINE (SPECIAL JOURNEY) AND VIEWING OF PRODUCTIONS (INCLUDING THOSE LODGED LATE) AT DUNFERMLINE SHERIFF COURT	250.00
29-JAN-86	FRAMING PETITION TO HIGH COURT	75.00
29-JAN-86	FRAMING SPECIFICATION OF DOCUMENTS FOR HIGH COURT	50.00
29-JAN-86	NOTE BY COUNSEL RE PROCEDURE	40.00
30-JAN-86	HEARING ON PETITION BEFORE LORD JUSTICE - CLERK AND CONSULTATION WITH AGENT RE DOCUMENTS TO BE LATE PRODUCTIONS FOR THE DEFENCE	200.00
3-FEB-86	- 4TH TRIAL (2 DAYS) (ACCUSED ACQUITTED BY DIRECTION)(£750.00 PER DAY TO INCLUDE PREPARATION) (13/4 CERT. TO BE MOVED RE COMPLEXITY, THIS WAS A CASE SET DOWN FOR 4 WEEKS INVOLVING AN ENORMOUS AMOUNT OF PREPARATION INCLUDING PERUSAL OF ACCOUNTS, THOUSANDS OF DOCUMENTS ETC. AT LEAST 6 DAYS WERE SPENT IN PERUSING & ANALYSING THESE DOCUMENTS. THE ACCUSED, WHO IS A QUALIFIED COMPANY ACCOUNTANT HAD TO EXPLAIN MANY OF SAID DOCUMENTS.	1500.00
TOTAL		1500.00
TOTAL VAT AT 15.00		225.00

The tax date for this supply is the date of payment - not the date of issue.

Both copies of this note must be returned with any payment or challenge

£

1725